

PATENT

App. Ser. No.: 10/645,125
Atty. Dkt. No. ROC920030189US1
PS Ref. No.: 1032.011216 (IBMK30189)

IN THE DRAWINGS:

The attached sheets of drawings include changes to FIGs. 1-5. These sheets, which include FIGs. 1-5, replace the original sheets including FIGs. 1-5. In FIGs. 1-5, previously omitted reference signs have been added.

Attachments: Replacement Sheets

REMARKS

This is intended as a full and complete response to the Office Action dated May 30, 2007, having a shortened statutory period for response set to expire on August 30, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-37 are pending in the application. Claims 1-37 remain pending following entry of this response. Claims 1, 10, 14, 23-30 and 36 have been amended. Applicants submit that the amendments do not introduce new matter.

Drawing Objections

The drawings are objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: FIG. 1, FIG. 2, FIG. 3, FIG. 4 AND FIG. 5.

Reference signs have been added to the drawings. Replacement Sheets are attached hereto.

Claim Rejections - 35 U.S.C. § 102

Claims 1 to 37 are rejected under 35 U.S.C 102(b) as being anticipated by *Lumelsky et al.* (U.S. Patent No. 6,460,082, hereinafter, "Lumelsky").

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Lumelsky* does not disclose “each and every element” recited by claim 1. For example, *Lumelsky* does not disclose:

“a method for expanding resources available to a logical partition associated with a client, the method comprising...providing on-demand resources to the logical partition based upon the usage of the partition resources and a usage of the grid resources when the grid resources are available to the logical partition.”

The Examiner suggests that *Lumelsky* discloses this limitation in Col 8, 2nd Par. and Column 14, 2nd Par. However, the cited passage is in fact directed to grid resources as opposed to on-demand resources. A grid resource is assigned or belongs to a user of the system. As a user needs resources, he may obtain “grid resources” from another user. On demand resources, as recited by the claim, “are available to the system, and access to the on demand resources is controlled by a manufacturer of the system”, even after the host has purchased the system. The on-demand resources are “unlocked” by the manufacturer during periods that clients or host requests the resources. Examiner alleges that “compensation” in *Lumelsky* is equivalent to on-demand resources, but “compensation” merely refers to the adjustment made by the compensation module to the allocation of grid resources. *Lumelsky* discloses this in Column 13, Lines 55-59:

“The service unit mapper module additionally provides interfaces to the individual resource management interfaces. A run-time compensation module computes the necessary adjustments over the resource envelope.”

Claims 10, 14, 23, 30 and 36 recite similar limitations as claim 1 not taught in *Lumelsky*. Accordingly, for all the foregoing reasons, claims 1, 10, 14, 23, 30 and 36 are believed to be allowable, and allowance of these claims is respectfully requested.

Claims 2-9, 11-13, 15-22, 24-29, 31-35 and 37 are dependent on claims 10, 14, 23, 30 and 36 respectively, and allowance of these claims is respectfully requested.

Accordingly for the forgoing reasons, claim1 is believed to be allowable, and allowance of this claim is respectfully requested.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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